

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 194

May 24, 1995, 3:47 p.m.
Page S-7349 Temp. Record

BUDGET RESOLUTION/Taxpayer Funding of Presidential Campaigns

SUBJECT: Senate Concurrent Budget Resolution for fiscal years 1996-2002 . . . S. Con. Res. 13. Exon (for Kerry) amendment No. 1153, as amended.

ACTION: AMENDMENT AGREED TO, 56-44

SYNOPSIS: As reported, S. Con. Res. 13, the fiscal year 1996 Concurrent Budget Resolution, will reduce projected spending over 7 years to balance the budget by fiscal year (FY) 2002 without increasing taxes. Savings that will accrue from lower debt service payments (an estimated \$170 billion) will be dedicated to a reserve fund, which may be used for tax reductions after enactment of laws to ensure a balanced budget. Highlights include the following: the rate of growth in Medicare will be slowed to 7.1 percent; Medicaid's rate of growth will be slowed to 5 percent and it will be transformed into a block grant program; the Commerce Department and more than 100 other Federal programs, agencies, and commissions will be eliminated; welfare and housing programs will be reformed; agriculture, energy, and transportation subsidies will be cut; foreign aid will be cut; defense spending will be cut and then allowed to increase back to its 1995 level; and Social Security will not be altered.

The Exon (for Kerry) amendment, as amended, would decrease the reconciliation instructions to the Rules Committee to achieve savings based upon the assumption that the Presidential Election Campaign Fund program will be eliminated, and would offset the cost of that change by requiring the Appropriations Committee to reduce administrative costs across the Federal Government by \$250 million over 7 years. As amended (see vote No. 193), it would also express the sense of the Senate that the assumptions underlying function 800 include "that payments to presidential campaigns from the Presidential Election Campaign Fund, as authorized by the Federal Election Campaign Act of 1974, should not be used to pay for or augment damage awards or settlements arising from a civil or criminal action, or the threat thereof, related to sexual harassment."

The amendment was offered after all debate time had expired. However, some statements on amendments were added to the record or were made before the amendments were offered and before debate time had expired. Also, by unanimous consent, 1 minute of time was allowed on each amendment for explanatory statements before each vote.

(See other side)

YEAS (56)			NAYS (44)		NOT VOTING (0)	
Republicans (10 or 19%)	Democrats (46 or 100%)		Republicans (44 or 81%)	Democrats (0 or 0%)	Republicans (0)	Democrats (0)
Campbell	Akaka	Inouye	Abraham	Hatfield		
Chafee	Baucus	Johnston	Ashcroft	Helms		
Cohen	Biden	Kennedy	Bennett	Hutchison		
Jeffords	Bingaman	Kerrey	Bond	Inhofe		
Kassebaum	Boxer	Kerry	Brown	Kempthorne		
Lugar	Bradley	Kohl	Burns	Kyl		
Snowe	Breaux	Lautenberg	Coats	Lott		
Specter	Bryan	Leahy	Cochran	Mack		
Stevens	Bumpers	Levin	Coverdell	McCain		
Thompson	Byrd	Lieberman	Craig	McConnell		
	Conrad	Mikulski	D'Amato	Murkowski		
	Daschle	Moseley-Braun	DeWine	Nickles		
	Dodd	Moynihan	Dole	Packwood		
	Dorgan	Murray	Domenici	Pressler		
	Exon	Nunn	Faircloth	Roth		
	Feingold	Pell	Frist	Santorum		
	Feinstein	Pryor	Gorton	Shelby		
	Ford	Reid	Gramm	Simpson		
	Glenn	Robb	Grams	Smith		
	Graham	Rockefeller	Grassley	Thomas		
	Harkin	Sarbanes	Gregg	Thurmond		
	Heflin	Simon	Hatch	Warner		
	Hollings	Wellstone				

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

Those favoring the amendment contended:

This budget resolution will do away with the presidential checkoff finance system. The Kerry amendment would stop the cancellation of this highly successful system of campaign financing. Congress adopted this program in 1976 in response to the appearance that corporate America had bought the White House in the 1972 election. Senators should never forget the \$2 million pledge from the Milk Producers Association to the Nixon Administration which concurrently granted an increase in the support price of milk, or the approval of American Airlines' route application shortly after a large corporate contribution to the Republicans, or the settlement of antitrust litigation against ITT Corporation shortly after an ITT subsidiary agreed to underwrite a large portion of the cost of the Republican National Convention. In constant dollars, the Nixon campaign in 1972 spent as much as President Bush and Bill Clinton spent together in the 1992 campaign.

The 1976 reform created a strictly voluntary limit of public financing to entice presidential candidates to agree to limit their spending. (The Supreme Court ruled in *Buckley v. Valeo* that only voluntary spending limits are constitutional.) Under this system, taxpayers are currently given the option on their annual tax returns of dedicating \$3 of the amount they owe in taxes to the presidential fund. Candidates who agree to limit their spending, in turn, are eligible for money from that fund. Though the system is strictly voluntary, the generous benefits it offers so far have convinced some 63 candidates for President to limit their campaign spending. As a result, candidates for President spend far less time asking for campaign contributions and far more time debating each other on the issues. Additionally, the perception that large corporate donors can buy special favors by giving presidential campaign contributions has been largely eliminated.

Some Senators have made the suggestion that it does little good to limit direct contributions to campaigns because the money then simply flows into so-called "soft" contributions, which are contributions for efforts on behalf of candidates that are not directed by those candidates' campaigns. While it is true that soft expenditures have greatly increased since the start of the current voluntary limits on campaign spending, we suggest the solution to the problem of such expenditures is to control them, not to abandon the system that has been working so well to limit direct contributions.

As a final note, we find it a bit odd that the budget resolution will not cancel this system until after the 1996 elections. We have Senators who are running for the presidency now and who plan on taking millions of dollars in taxpayer funds for their campaigns, but who at the same time are saying what a terrible system it is. We urge those Senators to be consistent--if they support the continuation of the public funding system for themselves in 1996, they should join us now in voting in favor of the Kerry amendment, so that future candidates for the presidency will also benefit.

Those opposing the amendment contended:

The Budget Committee, under the leadership of Senator Domenici, wisely chose to scrap the failed Presidential Election Campaign Fund program. That program is not simply troubled; it is a total, utter, abject failure that has squandered hundreds of millions of taxpayer funds. It has not met any of its objectives, nor has it even inched closer to those objectives. However, it has distorted the political process, and it is resoundingly rejected each year by the overwhelming majority of Americans who refuse to dedicate taxpayer funds to it.

Our colleagues have invoked the ghost of Watergate, as if the fact that this program rose in response to the abuses of that era somehow validates its worth. Of course, they do not mention that most of the "reforms" that the Democratic Congress acted in the wake of Watergate were struck down by the Supreme Court for their wholesale trammelling of constitutional freedoms. A Watergate pedigree, thus, is nothing about which to brag.

Nevertheless, since our colleagues have chosen to bring the matter up, we bring to their attention the fact that the Senate Select Committee on Watergate strongly recommended against "the adoption of any form of public financing in which tax moneys are collected and allocated to political candidates by the Federal Government." The Committee went on to quote Thomas Jefferson as saying that "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical."

The Committee's recommendations, and Thomas Jefferson, were ignored by the post-Watergate Congress. It passed the current presidential campaign funding system, which is paid for through an artifice which allows people to put money "voluntarily" into a public fund to be used to pay for presidential elections. Every year, taxpayers are given the option of directing that \$3 in taxes be put into this fund. However, they do not put in their money; they direct that \$3 of their tax liability, which is not legally their money, but the public's, must be spent on political candidates. The impression that this form of funding is intended to leave is that the people who choose to direct \$3 in taxes are contributing to the campaigns, but they are not; they are directing that \$3 that would have otherwise been in the general fund of the Treasury for other governmental purposes will be instead spent on candidates. Everyone's taxes, whether they like it or not, are spent on presidential campaigns.

Benefits are then given to candidates who agree to abide by a byzantine set of campaign spending limits. The benefits that are given to candidates are extremely generous, as they have to be if candidates are going to take them because the Supreme Court has ruled that no one can be forced to limit their campaign spending. Campaign spending is necessary to get one's message out to the

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public, and is thus equivalent to speech; in a democracy, the right to free speech must be carefully guarded in elections. As a result, since this program started, every candidate for the presidency save two has been bribed into participating, lest their opponents have too great an advantage from the program's generous benefits. The only two who did not participate, John Connally and Ross Perot, were a multi-millionaire and a billionaire, respectively.

This participation by candidates has not in any way reduced campaign spending. It has resulted in the hiring of accountants and lawyers, the first to determine how to structure expenses to fit within the supposed limits set by the system, and the second to figure out new loopholes in the system to permit even more spending. Like pushing down on jello, the campaign spending "limits" have forced down some types of spending, but the money has just oozed into new, unregulated forms of expenditures. The perception of special interest influence has not been lessened by making more campaign spending surreptitious, it has been increased.

Our liberal colleagues are not at all displeased with the manifest failure of this program. They consider it a success because it does allow a great deal of taxpayer money to be spent on campaigns. For them, the only "clean" money in campaigns is money that has been laundered through the Internal Revenue Service. It does not matter to them that each year, when given the chance to spend public funds on campaigns, a vast majority of Americans (last year, 85 percent) refuse. It does not matter to them that millions of dollars have been given to fringe candidates like Lenora Fulani and criminals like Lyndon LaRouche. It does not matter to them that the rules are so complex that last year President Clinton was ordered to refund \$4 million due to "mistakes" in his campaign (unless, of course, our colleagues believe his campaign deliberately erred to cheat the taxpayers out of \$4 million). For us, though, it does matter, so we strongly oppose the Kerry amendment.